

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

GERALD L. CLEMONS,	:	
Petitioner,	:	CASE NO. C1-00-722
vs.	:	JUDGE GEORGE SMITH
BETTY MITCHELL, WARDEN	:	MAGISTRATE JUDGE NORAH KING
Respondent.	:	

**RESPONDENT'S MOTION FOR CLARIFICATION OF THIS COURT'S OPINION
AND ORDER ON MOTION TO DISMISS PROCEDURALLY DEFAULTED CLAIMS**

Respectfully submitted,

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COUNSEL FOR RESPONDENT

Respondent respectfully requests that this Court clarify its Opinion and Order on the Respondent's Motion to Dismiss the Procedurally Defaulted Claims in Petitioner Clemons' habeas petition. (Doc. No. 52). In her motion to dismiss, Respondent argued that Grounds 4, 18(D), 18(F), 19(E), 22, 23, 24, 25, 26, 27, and 28 were procedurally defaulted and should be dismissed. (Doc. No. 49). On September 17, 2003, this Court issued its Opinion and Order. (Doc. No. 52). However, the Opinion and Order does not address or rule on the alleged procedural default of Ground 27. Thus, Respondent respectfully asks this Court to publish its decision on Ground 27.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Respondent's Motion for Clarification of this Court's Opinion and Order on Motion to Dismiss Procedurally Defaulted Claims has been forwarded to Richard S. Ketcham, 755 South High Street, Columbus, Ohio 43206, and David J. Graeff, P.O. Box 1948, Westerville, Ohio 43086, this 22nd day of September, 2003.

TARA L. BERRIEN
Assistant Attorney General